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8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**

10 LG CORPORATION, et al.,
11 Plaintiffs,

12 v.

13 HUANG XIAOWEN DBA TOP-
14 UUSHOP, et al.,

15 Defendants.
16

Case No. 3:16-cv-1162-JLS-NLS

**ORDER GRANTING JOINT
MOTION TO STAY DISCOVERY
PENDING RESOLUTION OF N&K
TRADING'S MOTION TO DISMISS**

(Dkt. No. 133)

17 Before the Court is Plaintiffs' and Defendant N&K Trading, Inc.'s Joint Motion
18 to Stay Discovery Pending Resolution of N&K Trading's Motion to Dismiss. (Dkt.
19 No. 133.) N&K Trading argues a stay of discovery is warranted because the motion
20 to dismiss is potentially dispositive and, if granted, would dismiss Plaintiffs' claims
21 against it. (Id. at 2.) Plaintiffs strongly disagree that N&K Trading's motion has any
22 likelihood of success, but argues a stay is nonetheless warranted because it will
23 conserve the parties' resources. (Id. at 3.)

24 Courts have broad discretionary power to control discovery. *See Little v. City of*
25 *Seattle*, 863 F.2d 681, 685 (9th Cir. 1988). A pending dispositive motion by itself is
26 not enough to justify a stay of discovery; however, stays may be appropriate when
27 jurisdiction, venue or immunity are at issue. *Ciuffitelli v. Deloitte & Touche LLP*,
28 2016 U.S. Dist. LEXIS 163546, *14-*16 (D. Or. Nov. 28, 2016). Courts may also

1 employ different methods and evaluate factors to determine whether a stay is
2 appropriate. *See Tradebay, LLC v. eBay, Inc.*, 278 F.R.D. 597, 602 (D. Nev. 2011).

3 In considering the parties' arguments and evaluating factors relevant to the
4 present inquiry, the Court finds good cause to issue an order staying discovery. The
5 Court took a preliminary peek at N&K's pending motion to dismiss, and notes that the
6 motion raises challenges to personal jurisdiction. Additionally, given Plaintiffs' and
7 N&K's representations that they are the only remaining active litigants in the case
8 because the rest have either defaulted or settled, a stay on discovery would not appear
9 to affect any other parties. A stay of discovery will also conserve the parties'
10 resources, and Plaintiffs state they would not be prejudiced by a stay because they
11 may immediately resume discovery if N&K Trading's motion is denied.

12 Accordingly, the Court **GRANTS** the parties' joint motion. It is **ORDERED**
13 that discovery is **STAYED** pending a ruling on N&K Trading, Inc.'s Motion to
14 Dismiss. The parties must contact the undersigned's chambers within three days of a
15 ruling to discuss whether any dates and deadlines in the scheduling order need to be
16 reset.

17 **IT IS SO ORDERED.**

18 Dated: February 23, 2017

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20 Hon. Nita L. Stormes
21 United States Magistrate Judge
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